

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

INTERIM APPLICATION NO. 15657 OF 2024
IN
FIRST APPEAL (ST) NO. 25743 OF 2022

Jageshwari Harakharam Patel And Ors. ...Applicants

In the matter between:

TATA AIG General Insurance Co. Ltd., Mumbai ...Appellant

Versus

Jageshwari Harakharam Patel And Ors. ...Respondents

SNEHA
NITIN
CHAVAN

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Date: 2025.08.18
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Mr. Vasant More i/b Sachin Vanjare for the Applicants.

Mr. Devendranath Joshi a/w Pradyumna Thakurdesai for Respondent/
Ori. Appellant- Insurance Company.

CORAM : M.M. SATHAYE, J.

DATE : 14th AUGUST, 2025

P.C. :

1. Heard learned Counsel for the Applicants/claimants and learned Counsel for the original Appellant/ insurance company.
2. This application is filed seeking withdrawal of amount deposited by the Insurance Company, under impugned award.
3. Learned Counsel for the Appellant/ Insurance Company has opposed the application on the ground that the aspect whether the accident had occurred during the course of employment itself is under challenge.
4. Perused the application and the impugned judgment and order.

5. The Applicants are widow, daughters and father of the deceased. The deceased was working on construction site as a mason, who fell down from the first floor of under-construction structure and sustained injuries resulting into death. It is stated in the application that financial condition of the Applicants is bad as they were totally depending upon the income of the deceased, for livelihood.

6. In the facts and circumstances of the case, considering that the deceased was working as a mason on construction site and the applicants are immediate family members claiming dependency, the case for grant of partial withdrawal is made out.

7. The application is partially allowed. The Applicants are permitted to jointly withdraw 50% of amount deposited before the Commissioner for Employees Compensation, Mumbai along with accrued interest, on undertaking that the Applicants will bring back the money along with interest as per the direction of the Court and the withdrawal will be subject to final outcome of the Appeal.

8. Necessary affidavit/undertaking to be filed within a period of 4 weeks from today in this Court.

9. Interim Application is disposed of in above terms.

(M.M. SATHAYE, J.)